

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 47

December 11, 2008

SUBJECT: REVIEW PROCESS FOR THE GRANTING OF CARRY CONCEALED WEAPON PERMIT TO RETIRING OFFICERS - REVISED

EFFECTIVE: IMMEDIATELY

PURPOSE: Special Order No. 29, *Review Process for the Granting of Carry Concealed Weapon Permit to Retiring Officers*, dated August 28, 2007, established a formal process regarding the Department's decision to grant or deny a Carry Concealed Weapon Permit (CCW) endorsed retired police identification card to a retiring officer.

The definition for California Penal Code (PC) Section 12027, was not correctly referenced. This Order revises the paraphrased definition of 12027 PC to more accurately reflect the language as defined in the California Penal Code. Additionally, this Order amends the length of time a retiring officer has to request a hearing if denied the privilege of receiving a CCW endorsement.

PROCEDURE:

- I. **APPROVAL TO CARRY CONCEALED FIREARM.** The second and third paragraphs in Department Manual Section 3/733.20, shall read as follows:

The California Penal Code mandates that the Department shall issue an identification certificate to all full-time paid peace officers that have been honorably retired from the Department. As used in the California Penal Code Sections 12027 and 12031, the term "honorably retired" includes all peace officers who have qualified for, and have accepted, a service or disability retirement.

Note: To be considered "honorably retired," an officer must have a minimum of 20 years of service, to retire, with no age requirement for Tiers 2 and 4. For Tier 3, an officer must have 10 years of service and be 50 years old. For Tier 5, an officer must have 20 years of service and be 50 years old. However, the minimum of service does not apply to those who have received a disability retirement. Any officer who does not meet any of the Tier retirement

qualifications is considered "resigned" and is not entitled to a CCW endorsed retired police identification card according to applicable state laws. However, in Tier 5, if an officer leaves with 20 years of service, but is not at age 50 and decides to defer their retirement, the officer can come back to the Department when they reach age 50 and apply for a CCW endorsed retired police identification card.

The term "honorably retired" does not include an officer who has agreed to a service retirement in lieu of termination. Honorably retired peace officers shall have an endorsement on the identification certificate stating that the Department approves the officer's carrying of a concealed and loaded firearm. In addition, no peace officer that retired because of a psychological disability shall be issued an endorsement to carry a concealed and loaded firearm.

Upon an officer's initial retirement, the Department may deny or revoke, for good cause, a retired officer's privilege to carry a concealed firearm. In addition, a retired peace officer may have his or her privilege to carry a concealed and loaded firearm revoked or denied by violating any departmental rule, or state or federal law that, if violated by an officer on active duty, would result in that officer's arrest, suspension, or removal from the agency (PC Section 12027.1).

The rest of this section shall remain unchanged.

- II. RETIRING OFFICER'S RESPONSIBILITY.** The second paragraph in Department Manual Section 3/733.20, under the Retiring Officer's Responsibility, shall read as follows:

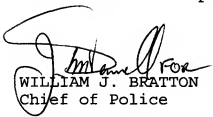
If a retired officer is denied the privilege of receiving a CCW endorsement, the retiring officer may, within **30 days** of the denial, request a hearing. A retiring officer who fails to request a hearing within **30 days** of the denial shall forfeit their right to the hearing.

The rest of this section shall remain unchanged.

AMENDMENTS: This Order amends Department Manual Section 3/733.20.

December 11, 2008

AUDIT RESPONSIBILITY: The Commanding Officer, Personnel Division, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.



WILLIAM J. BRATTON
Chief of Police

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